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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,910	10/09/2003	Jana H. Jenkins	RSW920030213US1	6409
23550 7590 05/01/2007 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER HARPER, LEON JONATHAN	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/681,910	JENKINS, JANA H.	
	Examiner	Art Unit	
	Leon J. Harper	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/13/2007 has been entered. Claims 1-3,5,6,8,9,11 and 22 have been amended. No claims have been added or cancelled. Accordingly claims 1-32 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20020120918 (hereinafter Aizenbud) in view of US 6732153 (hereinafter Jakob).

As for claim 1: Aizenbud discloses: providing the message (See paragraph 0054 "input message"); configuring a review standard for reviewing linguistic aspects of the message (See paragraph 0054 note: the message processing nodes); and revising the message to address the errors (See paragraph 0054 note: processing nodes can reformat the message).

While Aizenbud does not differ substantially from the claimed invention the disclosure of displaying any errors that are detected concurrently with the message, reviewing the message based on the review standard to detect errors is not necessarily explicit.

Jakob however does disclose: displaying any errors that are detected concurrently with the message (See column 6 lines 59-65), reviewing the message based on the review standard to detect errors (See column 7 lines 45-50). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Jakob into the system of Aizenbud. The modification would have been obvious because the two references are concerned with the solution to a problem of messaging associated with computer program code, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Jakob's

teaching would enable user in Aizenbud's system to have had uniformity in any distributed environment (See Jakob column 1 line 65- column 2 line 2).

As for claim 2, the rejection of claim 1 is incorporated, and further Aizenbud discloses: wherein the providing comprises creating a new message (See paragraph 0055).

As for claim 3, the rejection of claim 2 is incorporated, and further Aizenbud discloses: inputting text for the new message using a message creation interface (See paragraph 0055), designating whether the new message is an error message, a warning message, or an information message (See paragraph 0054); inputting an explanation and suggested user action using the message creation interface if the new message is an error message or a warning message (See paragraph 0054); assigning a unique identifier to the new message and sending a notification pertaining to the new message (See paragraph 0130).

As for claim 4, the rejection of claim 4 is incorporated, and further Aizenbud discloses: displaying the computer program code associated with the new message concurrently with the text for the new message (See paragraph 0091).

As for claim 5, the rejection of claim 1 is incorporated and further Aizenbud discloses: wherein the providing comprises an existing message (See paragraph 0090).

As for claim 6, the rejection of claim 5 is incorporated, and further Aizenbud discloses: inputting a unique identifier corresponding to the existing message (0130); obtaining the existing message based on the unique identifier (See paragraph 0130); displaying the existing message in a message edit interface (See paragraph 0090), editing the existing message in the message edit interface (See paragraph 0090); and sending a notification pertaining to the edited existing message (See paragraph 0090 note: update).

As for claim 7, the rejection of claim 6 is incorporated, and further Aizenbud discloses: displaying the computer program code associated with existing message concurrently with the existing message (See paragraph 0091 note: programmer is stepping through the code with the message).

As for claim 8, the rejection of claim 1 is incorporated, and further Aizenbud discloses: wherein the configuring comprises designating a saved resource containing message review parameters for ascertaining a structure of a message (See paragraph 0078).

As for claim 9, the rejection of claim 1 is incorporated and further Jakob discloses: wherein the configuring comprises manually designating message review parameters (See column 6 lines 44-50).

As for claim 10, the rejection of claim 1 and further Aizenbud discloses: wherein the message and the errors are displayed concurrently with the computer program code associated with the message (See paragraph 0091).

Claims 11-20 are computerized system claims corresponding to method claims 1-10 respectively and are thus rejected for the same reasons as set forth in the rejections of claims 1-10.

As for claim 21, the rejection of claim 11 is incorporated, and further Jakob discloses: wherein the message and the errors are displayed concurrently (See column 11 lines 38-45 note: the message has to be displayed in order to edit it).

Claims 22-32 are program product claims corresponding to computerized system claims 11-21 respectively and are thus rejected for the same reasons as set forth in the rejections of claims 11-21.

Response to Arguments

Applicant's arguments filed 2/13/2007 have been fully considered but they are not persuasive.

Applicant argues:

Applicant submits that Aizenbud's input message is a coded message, which is part of a communication hub that provides intelligent message routing and integration of applications. To this extent the message in Aizenbud is that which is configured for communication between machines integrated through a computer system where the input message may be defined as "information unit that the system sends back to the user to system operator with information about the status of an operation, an error, or other condition. In contrast, the claimed message is that which may be defined as "a short piece of information that you give to a person when you cannot speak to them directly. As such the coded message in Aizenbud is not an equivalent of the claimed invention because the consideration for review is based on linguistics of human language and not machine language.

Examiner responds:

Examiner is not persuaded. During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad

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interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). While applicant's makes a sound argument about how the message in Azinebud differs from the claimed messages, applicant's arguments are simply not reflected in the claims themselves. The claims require providing the message, configuring a review standard for reviewing linguistic aspects of the message; reviewing the message based on the review standard to detect error; displaying any errors that are detected concurrently with the message; and revising the message to address the errors.

Applicant also states in the preamble that an intended use is for delivering the message to a end user during execution of a computer program code. Applicant has added the limitation linguistic aspects, but linguistic aspect are simply aspects relating to language (See Merriam Webster definition of linguistic), thus the review standard is still simply for reviewing the language of the message.


Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
April 27, 2007


Mohammad Ali
Primary Examiner